

Remarks

With regard to the rejection of Claims 1-4 and 7-9 under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Ott, it is respectfully submitted that there is no teaching or suggestion to combine these references to produce Applicant's invention. Schwartz discloses a device having two sections that are non-relocatably interconnected by portion 25 and no indication is given that portion 25 can be deformed. If nevertheless portion 25 was deformed to clamp a bar between said two sections, portion 23 of the gripping member 11 must also be deformed. Portion 25 and portion 23 (as well as the two sections) are one single individual part (the gripping member 11), e.g. stamped of sheet metal (see Col. 1, lines 66-68) such that deforming portion 25 would also force portion 23 to be deformed. Therefore, not only a force for deforming portion 25 has to be applied but also a force for deforming portion 23 must be applied. Thus, the stiffness of portions 23 and 25 work against the clamping of a first bar between the two clamps, i.e. the two sections and accordingly the teaching of Schwartz leads away from the subject matter of the invention.

In addition, if portion 23 of gripping member 11 is deformed as described above, portion 23 would no longer be capable of properly receiving a second bar which is rotated by ninety degrees in relation to the first bar. Also, portion 23 would no longer correspond to the corresponding portion of the other gripping member 11. Thus, the deformed portion 23 would impair the clamping of the second bar such that a person skilled in the art would never consider to perform such an unfavorable application of the device of Schwartz. Accordingly, there is no teaching or suggestion in Schwartz to make the claimed combination, and therefore the Examiner has failed to make a prima facie case for obviousness.

With respect to Ott et al., the leg 26 receiving the nut 44 with a cam surface has to be off center in relation to an opening 34 through which the leg 26 extends in order to apply a force to deform the U-bolt 20 (see Fig. 2-4). The leg 26 needs to be arranged stable enough in this off center position such that the force applied by the nut 44 relocating leg 26 in relation to the other

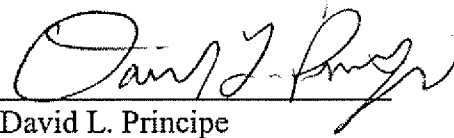
leg 24 can be transferred to the U-bolt 20 for deforming the U-bolt 20. In contrast, the screws 13 of the device of Schwartz are not in an off center position in relation to the holes provided in the two sections of the gripping member 11. Furthermore, the screws are unstably arranged, i.e. moveable to a certain extent, in relation to the gripping member. Thus, even if a hole provided in one of the two sections was arranged in such an off center position, the corresponding screw 13 would not be able to transfer a force to the gripping member 11. Therefore the screw would not be able to deform any portion of the gripping member by means of which the gripping member can be enabled to clamp a first bar.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Ott et al. and further in view of Bernstein. Applicant respectfully submits that a prima facie case of obviousness for these claims has not been made by the Examiner for the reasons set forth above in connection with Claims 1-4 and 7-9.

Claim 1 has been amended to further define the invention and no new matter has been introduced thereby.

It is believed that all of the issues raised by the Examiner have been addressed. Please charge any fees due with this response to Deposit Account No. 08-2442.

Respectfully submitted,

By: 
David L. Principe
Reg. No. 39,336

Dated: June 8, 2006

HODGSON RUSS LLP
One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
Telephone: (716) 848-1262